

JACKSON LEWIS LLP
59 Maiden Lane
New York, New York 10038
(212) 697-8200

Attorneys of Record:

Kevin G. Lauri (KL 8714)
Richard I. Greenberg (RG 4911)

ATTORNEYS FOR DEFENDANTS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN ROULETT,

Plaintiff,

-against-

AMERICAN CAPITAL ACCESS
SERVICE CORPORATION AND
AMERICAN CAPITAL ACCESS
HOLDINGS LIMITED,

Defendants.

Civil Action No. 05 Civ. 7455 (WOOD)

NOTICE OF DEFENDANTS'
MOTION TO DISMISS PLAINTIFF'S
FIFTH CAUSE OF ACTION
ALLEGING VIOLATION OF THE
WHISTLEBLOWER PROVISIONS
OF THE SARBANES-OXLEY ACT

To: Andrew M. Lankler, Esq.
Idelle R. Abrams, Esq.
Lankler & Carragher, LLP
Attorneys for Plaintiff John Roulett
845 Third Avenue, 17th Floor
New York, New York 10022

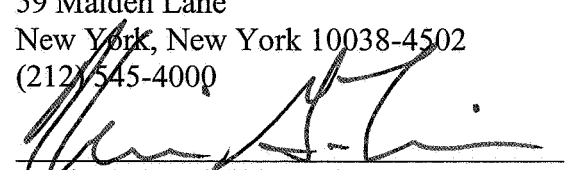
PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and Affidavits of Kevin G. Lauri and Nora J. Dahlman with attached exhibits, the undersigned will move before The Honorable Kimba M. Wood at the United States Courthouse, United States District Court, Southern District of New York, 500 Pearl Street, New York, New York, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting Defendants' motion to dismiss Plaintiff's fifth cause of action alleging violation of the Whistleblower

provisions of the Sarbanes-Oxley Act in its favor and for such other and further relief as the Court may deem proper.

Respectfully submitted,

JACKSON LEWIS LLP
59 Maiden Lane
New York, New York 10038-4502
(212) 545-4000

By:



Kevin G. Lauri (KL 8714)
Richard I. Greenberg (RG 4911)

ATTORNEYS FOR DEFENDANTS

Dated: New York, New York
October 7, 2005